Quid Novi

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CONFERENCE ON CHILD ABUSE

by Lorraine Weston

1994: Jane Smith receives a letter from the Montreal Parent Licensing Bureau. "Oh, honey," she exclaims, "We've been refused...it says we're high-risk parents and we must pass the anti-child abuse course. Thank goodness we found out before it's too late!"

This scenario could be a reality if David J. Roy, Director of the Center for Bioethics and McGill professor, has his way. Dr. Roy addressed the Fifth International Congress on Child Abuse and Neglect at the Palais des Congrès this past week, and spoke on the topic of the role of "professional parenting" as a means of preventing child abuse.

It is only in recent years that the public has become sensitized to the gravity of the child abuse problem. In Quebec alone, almost 2,500 cases of child abuse were reported to the Comité de Protection de la Jeunesse in 1982. Of these, 1,581 were victims of sexual abuse, 656 were victims of physical abuse and 81 were neglected children. The great majority are children abused within their own families. The conference, attended by 2,400 delegates from 44 countries, presented over 250 discussions and workshops on the theme: "Preventing child abuse: a community responsibility".

The delegates dealt with the specific issues of prevention, detection, and treatment of sexual, physical, and emotional abuse, and the interdisciplinary roles of the medical, social work, psychological, and legal communities.

Treatment of child abuse often involves ethical conflicts, not the least of which is the issue of balancing parents' rights against the rights of the child. The issue of children's rights is in itself a relatively new concept. The 1959 United Nations Resolution, "Declaration of the Rights of the Child," states: "The child shall be protected against all forms of neglect, cruelty, and exploitation," as well as enunciating the principle that whenever laws are to be enacted, the child's best interests shall be the paramount consideration. At present, a UN draft convention on the rights of the child (which, if rati-

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L'EMERGENCE du «FRENCH POWER»

par Julie T. LaTour

Même s'il fut victime d'une hécatombe à Ottawa, il apparaît que le "French power" est en pleine émergence au sein de la faculté. En effet, le fait français a connu, au cours des deux dernières années, une expansion remarquable!

La présente assertion trouve son origine dans l'observation de certains événements qui eurent lieu récemment. Il me faut tout d'abord mentionner la première assemblée générale des étudiants, qui s'est tenue le mercredi 19 septembre dernier, où le bilinguisme fut de rigueur. Richard Janda, Todd Sloan, Ian Fraser (et autres) se sont tous exprimés en français, ce qui a suscité de nombreuses interventions de l'assistance dans la langue de Molière. A cet égard, la participation des étudiants francophones de première année en fut excessivement accrue.

Cette situation tranche diamétralement de celle qui prévalait lors de mon entrée à la faculté, il y a deux ans. A cette époque, les interventions en français étaient perçues comme dérangeantes, si ce n'est gauchisantes... Et cet état de fait était déplorable pour l'ensemble de la communauté estudiantine. Car s'il est vrai que les francophones qui optent pour McGill le font

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A GUIDE FOR FIRST-YEAR STUDENTS ON LEGAL SYSTEMS, TRAFFIC & DOG LICENCING

by Pearl Eliadis

Travelling is supposed to open your mind. Although some minds need crowbars, it is difficult to dispute the therapeutic value of travel for your mental health. One thing travelling does not do, though, is lessen my personal penchant for gross generalizations. Absolutely EVERYONE in Paris is rude. EVERY native Athenian is on the verge of a nervous breakdown. And so on. Even so, the most cautious person must admit that Certain People in Certain Places inevitably show Certain Characteristics. Not only that, but the Certain People also tend to express their Certain Characteristics through their legal cultures.

The secret to understanding legal cultures lies in mundane, everyday sorts of things and not in grand theories of pareto-optimal efficiency (never mind what you learned in Baker's Contracts class). So if you really want to understand legal systems, ignore Coke (the author), Blackstone and the Mazeaud Monsters. Instead, focus profound attention on gross generalizations about national temperaments, traffic patterns and dog licencing.

Now, the obvious dividing line between legal cultures is the English Channel, but what with the Colonies and all, it is more convenient to speak of the Common Law and the Civil Law. England, of course, is your basic Common Law jurisdiction. I am not English and cannot aspire to more than a passing comprehension of tradition for its own sake, cricket, or any of the things that warm an Englishman's heart. Still, long years of study are not essential to see that England presents many paradoxes to the uninitiated legal observer. For one thing, the English worship the dictates of a constitution that does not exist. Legal historians are always reminding us that the Common Law is subject to archaic and creaky concepts which may be dead but which still rule us from their graves. It is surprising, then, that the lawyers and judges in this hunchbacked legal system are among the most competent and professional in the world. This struck me as a mystery. A great place to begin looking for clues to this mystery is London.

Consider London traffic. Its tortuous venues in fact mirror the gentler convolutions of the English legal mind. Not for London the cartesian and orderly progression of Parisian "arrondissements." Like the Common Law, English traffic moves in an organic flow, in eddies that swirl here and there without much apparent purpose. The whole scheme lacks the angularity and derivative reasoning so dear to continental hearts and codes. So if you get lost in London -- or in perpetuities -- it is totally understandable. Any route that is parallel to another has happened by sheer coincidence.

The French are more organized, at least in the abstract. The city is cleverly divided and subdivided. If you get lost in Paris it is but a small consolation to know that had you been a student of Euclidean geometry with graph paper and compasses at hand, you would not have gotten lost. A similar point can be made about the Crépeau Code.

France is by no means the only example of civilian patterns. If you ask a Greek to organize a plan, he will draw up a plan for all plans. This plan will obliterate the need for all previous plans. Indeed, it will be expressly forbidden to make even passing reference to any previous plan, so wonderful will the new plan be.

This little observation provides an important distinction between the civil law and the common law. We all know that their differences cannot be reduced to mere codes. After all, New York and California have codes. No; the key point lies in how the past is treated. In England, the past is venerated. Tradition is as important as Princess Di and Arthur Scargill put together. There is nothing new in the Common Law that has not been dreamt of in its philosophy. So when the law lords want to put a new twist into tradition, they have to say that they knew it all along. Compare this attitude with that of France, where the glorious past has merely paved the way for the glorious present -- at least five times. New laws wiped out old ones because the latter were based on the bad days when fraternity and equality weren't worth a franc, which in turn is worth very little these days.

In closing, I think the loveliest example of the importance of tradition to the English was recently revealed by the furore that erupted when attempts were made to

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THE MAN BEHIND "GO BOY"

by Jay Solomon

On Monday September 10th Roger Caron, famous bank robber, escape artist and author of Go-Boy (winner of the 1978 Governor General's award for non-fiction), gave a talk in the Leacock building. His experiences span the last three decades, and include: bank-robbery, prison guard brutality, toilet communications, L.S.D. trips, hyperactivitiy, and watching prime-ministers in their back yard.

Caron, now 46 years old, has spent 25 years in Canadian prisons. His description of bank robbery exploits were definitely the hit of the evening. Two stand out in my mind. Caron and his associates would always be prepared to rob two banks in case the first one became problematic. One day, "working" at a Montreal bank, they were surprised by the police. They got shot at, but escaped with Caron suffering minor injuries. They then decided to visit their backup establishment. It was just not their day. When they arrived the bank was already being robbed. "In those days you had to make reservations at the banks". In those years, Montreal was the bank-robbing capital of the world.

Another entertaining escapade starts with an escape from the Kingston penitentiary. After sawing their way out of their cells and persuading the guards to cooperate with a hand-made wooden gun, Caron and an associate made off in the Warden's son's red Beetle complete with mags, large antennas and furry dice -- not the ideal transportation for two fugitives. Due to the unfortunate circumstances their best escape route was via the American border. They gave the border guard some story about visiting girlfriends. Letting them through, the border guard told them to bring any extras his way. (Had the border guard stopped them, they were prepared to bring him along). Once in the States they decided to pay a visit to a U.S. Bank. "We were fugitives in Canada, we might as well be fugitives in the U.S." They dumped their bug, stole another vehicle, and chose a bank in a small shopping mall. They pulled up in front and everything seemed fine. There were a few teenagers fooling around in front of the bank, but they didn't pose an apparent threat. So they held up the bank, and came out to discover their car had been stolen. With the police approaching, Caron's associate took off, while Caron, being somewhat hesitant, was forced to run into an adjoining beauty salon. Needless to say this created havoc in the parlor; Caron escaped through the back door and into a corn field.

The night's most intense stories were from the belly of the beast. The brutality he faced during detention was barbaric and was shared by his prison mates. His first experience was as a sixteen year old boy. One night a scrawny juvenile was brought to the cell, blindfolded and stripped. He was then beaten by eight very large men. Caron recounted this, and other macabre stories, in great detail.

Some of the "lighter" prison tales were quite amusing. Due to his frequent escapes Caron was always in solitary confinement. In order to keep his sanity he would communicate with other inmates through the toilets. One would bail the water out, stick his head in the can and cover the gaps with a blanket to muffle the sound. There were a few unpleasant

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dogs, etc.

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change the dog licencing laws. These laws have not changed for a century. It costs as much for you to licence your dog today as it did for Vicky R. Astonishingly, the scheme is administered at a national level, so that the House of Commons is the place to argue about alterations to this venerable tradition. No doubt Whitehall also got into the act. This summer, the Government made the eminently reasonable suggestion that the matter of Rover's rights should be dealt with at a local level. This suggestion was greeted with a roar of outrage from the opposition. The subject caught the national eye through the media for a full three days. It was feared that if local authorities had a free hand, they would deal very arbitrarily with Fido. Arbitrariness is a Common Law no-no of Dicey-esque proportions. The opposition feared that caninedom would be oppressed by local officials untramelled by loftier officialdom. One member of the Opposition came to the defence of the potentially arbitrarily oppressed. He stated that it would be unfortunate if the canine citizenry were at the mercies of mere local authorities. After all, the functionary would then be in a position to do whatever he wanted with the helpless dogs. Of course, the mind boggles at the possibilities.

Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, de l'Association des étudiants en droit ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propre à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur ou son origine.

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EDITORIAL

HELPING OUT

Those of you who attended Chief Justice Gold's lecture two weeks ago were no doubt impressed by his wonderful ability to translate the ideologies that drew many of us to law school into the day-to-day logistics of practicing law. None of us wants to be part of a profession whose members are dubbed "shysters". As Gold pointed out, integrity and hard work are the keys to ensuring that you will be a respected member of the legal profession.

Fulfilling that mandate requires community involvement, and there are many such opportunities for a law student, including the Law Journal, Forum National, and Quid Novi itself. I mention those organizations because I happen to know that all three have received substantial interest from students. All three are established and very worthwhile objects of student interest. I have also noticed, though, that another worthwhile organization was virtually ignored in the rush to join and sign up. You might recall that last week, the first meeting for the Community Legal Information Network was held. It was extremely poorly attended. The object of the Network is to set up a system that will help provide accurate and up-to-date legal information for the hundreds of Quebec organizations which have an interest in dispensing any form of legal advice. As future lawyers (I hate that phrase, but it will do for the sake of expedience), we should be concerned about the accessibility and reliability of the legal information which is made available to members of the public. As law students we should be eager to involve ourselves in the administration and coordination of organizations that are central to our role as social orderers (I recognize that I am beginning to sound a lot like Dean Macdonald here...). I cannot think of any organization currently existing at this law school which is more worthy of our attentions in this regard than the Community Legal Information Network. I strongly suggest that you contact Todd Sloan, Bettina Karpel or Holly Cullen if you feel that you can help them in what promises to be an extremely valuable contribution to the Quebec legal community.

Pearl Eliadis

PRACTICAL WORK IN LAW SCHOOL?

by Todd Van Vliet
LSA Committee on Curriculum and Teaching

The LSA Committee on Curriculum and Teaching is presently working to help students gain practical experience while in Law School. The mechanism we are presently examining is the Clinical Programme.

At present, the Clinical Programme is a two-credit course of which students make little use. However, the Committee intends to make this programme truly effective by decreasing administrative difficulties that currently make it inconvenient to take the course, determining the exact limits of student participation in the legal system, and arranging possible positions in the community.

The committee's work therefore involves contacting various organizations: community groups, businesses and labour unions, governmental agencies and international organizations. Our goal is to arrange in advance positions approved for the clinical course. Hopefully we can create an expanded Clinical Programme to accommodate a wide range of student interests.

In addition, the Committee is researching the precise legal status of law students in Quebec's administration of the law. Anyone who could help with this research, or in contacting any of the organizations mentioned above should leave a note in the Curriculum Committee mailbox in the LSA office, or come to our meetings Mondays at 1 p.m.

HOT ROD SEAT

by Bettina Karpel

The Dean's Hot Seat, held last Thursday provided an opportunity for students to air their concerns before Dean Macdonald and Associate Dean Simmonds. Although the attendance was rather low, some fairly important and urgent issues were raised.

Library Woes: Noise and...

When asked to comment on the noisiness of the library, the Dean acknowledged that our library was not structured as effectively as possible, but that compared to some other law faculties, our library was "heaven". Nevertheless, the Dean did recognize a problem and stressed that the situation was being studied.

Space

One of the major sources of noise in the library is the obvious lack of space. The faculty was designed to hold 380 people and the library at a time when there were approximately 80,000 volumes. The stacks now hold close to 130,000 volumes. Clearly, the solution is to find more space. Possible changes in the library include expanding the library to the ground floor (which means the problem of finding classrooms), removing the central staircases (which provide corridors for noise to travel so that "if someone sneezes on the third floor the reverberations are felt on the sixth"), localizing the circulation desk, the reserve desk and the photocopiers and creating study rooms so that people who need to discuss issues will not do so in the quiet areas. In order to make the library more comfortable, there have been suggestions to provide for windows that open and to provide a reading area with soft cozy chairs where people who do not need to use library materials can sit and read quietly.

If study rooms are urgently needed by a group of people there is always the possibility of booking one of the classrooms when these are not in use, or of booking the meeting room in the building across the street.

Lockers

Concern was expressed over the situation with the lockers in the pit. Once again, the Dean acknowledged the problem and attributed it to lack of space. With respect to the problem of broken lockers, Dean Macdonald pointed out that students can approach André Lemieux, the building director, who will act upon the matter immediately.

Finding Jobs

The focus of the discussion then turned to the problem which many graduating students face: finding a job. The Dean was asked whether McGill saw itself as a faculty which prepares people to become only lawyers or whether the faculty also saw itself as a training ground for other professions. His answer was that most people, even if they eventually go into a non-legal profession, prefer to go through the bar school procedure upon graduation rather having to face the possibility of going back to bar school ten years after graduation. Therefore, the faculty sees itself as preparing its graduates for legal practice.

As to the question of giving out names of students to law firms, the Dean was quick to point out that under no circumstances will any member of the staff, when approached by a law firm, give out the standing of any student. Firms do call up individual faculty members to ask for names of students. In such a situation a professor will give out the names of students who have expressed a certain desire to work in the particular field of law practiced by that firm. However, professors will not give out the standing of these students, nor will they give out the addresses of the students. The Dean pointed out that he hopes to eventually have a systematic job search procedure which would include setting up a job bank, encouraging more firms to come to the faculty to interview students, and holding seminars on résumé writing and on interview procedures. As to the job bank, André Lemieux, who is also our placement officer, is working with the LSA Careers Committee in order to gather information for the use of students. (By the way, we are the first Canadian law faculty to have a placement officer.)

When asked about deadlines for applications to law firms, the Dean answered that there was nothing that the faculty could do to control the procedures practiced by various law firms. The faculty has been asking for the cooperation of law firms in order to establish an organized interview procedure with specifically determined interview periods. However, where this system has been implemented, it has not always been respected. One student suggested that it might be a good idea to coordinate ourselves with other law faculties in order to make use of their information concerning placement possibilities and application deadlines. The Dean answered that the suggestion was a very good one and that it should be presented to André Lemieux or the Careers Committee.

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FORUM NATIONAL 84-5

Forum National, one of the most dynamic and successful student organizations at the Faculty of Law, has announced its schedule of events for 1984-85. In its third year of operation, the group will be sponsoring two major conferences on legal topics and hosting a number of guest speakers on legal, political, and economic subjects.

The first event on the Forum National schedule is a two-day visit to the Faculty by University of Toronto Professor R.C.B. Risk. Risks's visit, which is being co-sponsored by the Faculty, will take place October 15-16. He will speak on legal history.

The centrepiece of the fall schedule, though, is a conference slotted for November 5 entitled "Minority Language Rights in Canada". To date, several big names have confirmed their participation. These include former Quebec Chief Justice Jules Deschênes, Ontario Attorney-General Roy McMurty, Quebec Minister of Immigration Gerald Godin, Alliance Quebec President Eric Maldoff, and former Ottawa Liberal MP Albert Roy.

In a joint interview, the members of Forum National's ruling junta reported that plans for the Minority Language Rights conference are coming along very well. However, Richard George, Andrea Lockwood, Gary Nachshen, and Diletta Prando all stressed that much work remains to be done on the mammoth undertaking, and they sent out a plea for volunteers. Help will be especially needed on the day of the conference, they said.

In the winter term, Forum National has arranged talks by Canadian Human Rights Commissioner Gordon Fairweather for January 16 and by Supreme Court Justice Gerald LeDain for February 7. Negotiations are underway with Quebec Minister of Justice Pierre-Marc Johnson, and former federal Cabinet ministers Iona Campagnolo, Jean Chrétien, and Marc Lalonde. There are also tentative plans for a conference on environmental law.

During their interview with the Quid, the junta members repeatedly paid tribute to Forum National's Old Guard. They claimed that this year's ambitious programme was made possible by the good reputation Forum National has earned under previous regimes like those of Richard Janda, Dan Bilak, Rick Goossen, and aging revolutionary Gary Lawrence. Finally, in a bid for continuity with the past, the junta at its first meeting of the year named Mike Hooton Forum National's Equipment Manager-for-Life.

L'EMERGENCE

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pour acquérir une solide connaissance de l'anglais (parmi d'autres facteurs, évidemment), ils ne renient pas non plus leur langue d'origine. A fortiori dans le cas des étudiants de première année qui éprouvent souvent certaines difficultés avec leur anglais et qui, face à un niveau de langue souvent primitif, n'oseront guère s'exprimer.

Par contre, si le français est valorisé, ceux-ci n'hésiteront pas à s'exprimer dans leur langue. De toute manière, l'apport d'une seconde langue se veut, et cela pour tous, un outil inestimable et l'ouverture face aux langues en est une face au monde.

La réceptivité dont les étudiants font maintenant preuve indique, je crois, un futur très prometteur pour le bilinguisme et la compréhension entre les cultures, ce qui est on ne peut plus souhaitable. Il faut cepen-

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«GO - BOY»

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moments when an occasional rat would emerge, but every silver cloud has a lining.

One of the more humourous stories was about an L.S.D. experience in the confines of a cell. The surroundings induced indescribable effects which cannot be easily turned off. However a return voyage was made possible with the help of valium. Caron stressed that he is quite straight these days.

Since his prison days have been over, Caron's new-found wealth has enabled him to move into an Ottawa high-rise. With a telescope he now has a prime view of the Prime Minister's back yard. He used to see Trudeau and his kids bouncing around on their trampoline and he is looking forward to getting to know Brian Mulroney. Caron's new book will be an espionage-thriller centered around an assassination attempt in a prime minister's back yard. After relating his P.M. peeping-tom stories to a publisher, he was made an offer he could not refuse.

x Caron does not seem bitter about his past. His sincerity and gratitude for his recent good fortune poured out into the auditorium. He certainly touched this spectator.

Bookstore Party

Friday September 28
1:00 p.m.
Common Room

Free Pizza & Beer

Welcome all volunteers and interested persons.

SEMINAR SERIES

Seminar Series Takes Off

by Bettina Karpel

On Wednesday, September 19, Dr. Albrecht Weber, a visiting professor from West Germany, spoke on the subject of "The Protection of Fundamental Freedoms Under the German Constitution". Dr. Weber's presentation was the first in the Law Seminar Series, a series organized by the LSA Committee on Curriculum and Teaching and the Program Board. The series is meant to provide a friendly, informal setting in which current research topics can be discussed. Professors and graduate students are among those who have been invited to participate in the seminar which will be held on a weekly basis. The attendance at this first presentation indicates that the seminar series will be a success.

Dr. Weber focused his discussion on the role of judicial review as the protector of fundamental freedoms. While judicial review has been a popular mechanism in some other countries, it is a fairly recent development in West Germany.

The system which has developed consists of three separate procedures: Concrete judicial review allows a judge at the trial level to refer to a higher court questions concerning the constitutional legitimacy of a law. In fact, the trial judge cannot refuse to apply a law on the basis of its unconstitutionality unless he has received a ruling from a higher court. Abstract judicial review works very much like the Canadian procedure of reference questions which a legislative body can bring before the Supreme Court. While abstract judicial review provides for an objective protection of the constitution, the procedure of individual complaints allows an aggrieved individual to present his case before a court. While some constitutional issues are raised in the high level state courts, most claims are directed to the Federal Constitutional Court (F.C.C.). The F.C.C. has the discretion, as does the Supreme Court of Canada, to accept or reject claims, using as one of its criteria the ultimate constitutional importance of the issue.

Dr. Weber feels that the recent growth in constitutional review is a very important development in that it acknowledges what has already been recognized in other states: if you want to protect rights, you must have a system of justice which will enforce them.

L'émergence du "French Power"

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dant rappeler que ce processus est le résultat de nombreux (et formidables) efforts, orchestrés à l'origine par l'administration de Stephen Fogarty et poursuivis cette année par l'équipe de Richard Janda. Au nombre des efforts de sensibilisation, on compte par exemple la mise sur pied d'un comité (sous la gouverne de Yves Ménard) pour analyser le statut et l'importance du français au sein de la faculté et en améliorer la situation.

Cette nouvelle ère galvanise les énergies et se veut source de motivation. Un exemple concret reste la participation importante des francophones de première année à la réunion inaugurale du Quid Novi, le 17 septembre dernier.

Face au climat d'incertitude, souvent d'incompréhension, qui prévalait auparavant, l'avenir s'annonce positif!

Nous en reparlerons... Ad augusta per angusta...

N.B. Non, je ne suis pas à la recherche d'un poste d'assistante au nouveau conseiller de l'étude Heenan, Blaikie et Associés!

Child Abuse Conference

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A highlight of the conference was the theatrical production on child abuse presented by "Children's Creations", a non-profit theatre group for children up to 19 years old. The production included a song which had a message of hope for the whole community involved in preventing child abuse: "We can make it work, right now."

Hot Rod Seat

The Dean was then asked about the use of the building across the street. While pointing out that most of the building was occupied by the Centre for Private and Comparative Law (which received a large space allocation because it obtained a substantial amount of funds for research), the Dean was also quick to point out that the building is open to any student and that the meeting room could be booked for study group purposes.

First Year Election Results:

Class President

LL.B. Turnout: 71% of eligible voters

Candidates:

Vincent Gallo	66%
Marcy Morain	33%

B.C.L. Turnout: 75% of eligible voters

Candidates:

Steven Faughan	42%
Cathie St. Germain	58%

Larry "Bud" Melman: 1 vote

OBSERVATIONS

I was walking along Ste. Catherine St. the other day, in search of decent black loafers to moot in -- or just some green peppers for my spaghetti sauce -- when it occurred to me that it had been ages since I had read a decent novel.

So I popped into a little bookstore at the corner of St. Marc and began to browse alphabetically, hoping to find something short but substantial that I could squeeze between sessions of Tax and Torts.

Eventually, after an enjoyable quarter-hour spent sniffing the musty print and hovering between Saul Bellow and J.P. Donleavy, I decided upon the latter's new work, Leila. This is the story of a lovely, randy and ribald Irish aristocrat, in love with his mysterious servant, Leila, whose elusive charm and beauty he is never quite able to grasp. The real strength of the novel, however, lies in Donleavy's uniquely poetic prose, which he perhaps best expressed in the Beastly Beatitudes of Balthazar B., and which in Leila lyricises the humor and despair that one must feel for this intriguing novel...

All of which, of course, I discovered after having left the little bookshop and brought the book home. It now occurs to me that I must have forgotten the green peppers.

Scott Turner

CONFERENCE

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fied, carries legal weight in the International Court of Justice) is in the works. Among the proposed additions are specific clauses dealing with imprisonment and detention of children. This is a direct response to the situation in Argentina, where hundreds of children have been taken from their parents -- "los desaparecidos" -- and forcibly adopted into the "better environment" of families connected with the military regime which was in power until December, 1983.

In a workshop on the topic of ethics and the law, an American lawyer raised the question of whether certain people must be permanently stigmatized in the interests of protecting the child. Should a person "at risk" (for example, by reason of having once been an abused child, and therefore, a potential abuser) be under regular surveillance? This issue is particularly relevant in light of recent reports of child abuse in New York day care centres. A bill is currently before the legislature there, which would allow child care employers to conduct extensive background searches on potential employees, and is meeting with opposition from critics who claim that it would constitute an abuse of civil rights.

At the same workshop, Madame Justice Demers, of the Montreal Tribunal de la Jeunesse, harshly criticized the "adversarial attitude" of many lawyers in Family Court. Avowing that in these cases, "...there is no winner or loser...", she emphasized that the child's welfare should take priority and lauded the recently enacted provisions that allow children to be represented by their own lawyer, if it is requested by the court.

A more esoteric ethical question was raised by Jean-Louis Baudoin, lawyer and law professor at the Université de Montréal, who spoke on the ethical-legal problems of prevention of abuse in utero. What role should the society take vis-à-vis expectant parents who are known to be alcoholics, drug addicts, or child abusers? In fact, there have been some cases where children have been taken into custody at birth by social service agencies where the evidence of danger to the child was overwhelming.

The question of evidence in cases of abuse, especially sexual abuse, is another contentious area. We have come a long way since Wigmore proclaimed that evidence given by women and children was prima facie suspect due to their inherent psychological weakness. This view was supported by studies which included reports subsequently found to have been falsified, or which omitted medical evidence contradicting this view. The present North American trend is moving toward the "Victim Advocacy Model", in which the child has his own advocate in the courtroom, but even this is criticized by some professionals as being too traumatic for children. D. Ross, an American lawyer, supports using alternative methods of admitting testimony in child abuse cases, such as videotapes and hearsay evidence, to eliminate the presence of the child from the courtroom. A recent Colorado case, State v. Middleton is a positive indication for the future in sexual abuse cases. In that case, although the child recanted in court (perhaps due to parental pressure, which is common in incest cases), the court agreed to consider the child's previous testimony as the most credible. This may have repercussions for adult sexual abuse cases.

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